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5 Attorneys for Plaintiff
DELTAK, L.L.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 DELTAK, L.L.C., a limited liability) Case No. C-04-1494 MMC (EDLx)
company;) E-FILING
12 Plaintiff,)
13 v.)
14 INDUSTRIAL MARITIME CARRIERS)
15 WORLDWIDE, a limited liability)
corporation, *in personam*; CHEPSTOW)
16 SHIPPING CO. LTD., a foreign corporation,)
in personam; CEC SHIPMANAGEMENT,)
17 an entity of unknown form, *in personam*;)
and M.V. SEA CRISTOBAL, a.k.a M.V.)
CEC CRISTOBAL, her machinery, tackle,)
18 and engines, etc., *in rem*;)
19 Defendants.)

)

20 || TO THE HONORABLE MAXINE M. CHESNEY:

With respect to the Court's June 24, 2005 order, plaintiff DELTAK, LLC, hereby certifies that the agreed consideration for the settlement has not been delivered. The reason for this is that plaintiff, for internal reasons involving plaintiff and its underwriters, was not able deliver a signed release to defendants until September 21, and defendants could not release settlement funds prior to receiving the signed release on that date. Counsel for both defendants are out of the office this week, but have advised plaintiff's counsel by e-mail that payment should be effected next week (subject to some uncertainty on behalf of Industrial Maritime Carriers Worldwide, whose offices are in Houston and facing uncertain effects from Hurricane Rita at the moment).

1 Therefore, plaintiff respectfully requests, in lieu of restoration to the Court's calendar, that
2 the ninety-day time period set forth in the Court's June 24, 2005 order be extended to 120 days.
3 Though not able to present this in the form of a stipulation due to shortness of time and absences of
4 counsel, plaintiff's counsel was able to advise counsel for both defendants (Mr. Poulos and Mr.
5 Tamulski) by e-mail of the general nature of this request that would be filed today, and all counsel
6 are in agreement with the request presented hereby.

Respectfully submitted,

8 || DATED: September 22, 2005

GIBSON ROBB & LINDH LLP

By: S/ JOSHUA E. KIRSCH
Joshua E. Kirsch
Attorneys for Plaintiff
DELTAK, L.L.C.

Dated: September 23, 2005

